

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In the Matter of:

**JOSEPH GATZA and,
MELISSA GATZA**

Debtor(s)

In Bankruptcy:

Case No. 19-40978-mbm
Chapter 7
Hon. Marci B. McIvor

TRUSTEE'S RESPONSE TO COURT'S SHOW CAUSE ORDER

Timothy J. Miller, the Chapter 7 Trustee of the bankruptcy estate of Joseph Gatza and Melissa Gatza ("Debtors"), states:

1. On January 23, 2019, the Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Timothy J. Miller is the duly appointed Chapter 7 Trustee in this case.
3. On May 10, 2019, this Court entered an Order requiring Debtors to show cause why the case should not be dismissed for failure to pay the filing fee. (Doc # 27)
4. The Trustee is currently investigating this case for potential assets, including a potential medical malpractice claim, for which Debtor Joseph Gatza testified during his First Meeting of Creditors.
5. In the event the Trustee recovers assets in this case, funds will be available to

pay the filing fee.

6. The Trustee seeks entry of an order deferring the Debtors' requirement to pay their filing fee to afford the Trustee the opportunity to properly investigate the Debtors' finances. If Trustee recovers assets in this matter, there will be funds to pay the filing fee. If no assets are recovered, Trustee will file a Report of No Distribution, and will notify the Court to schedule a subsequent show cause hearing.
7. The Debtors have been made aware of the possibility of administration of property of the estate, and may be disincentivized to continue their bankruptcy as a result. Dismissal at this point would not be in the best interests of the estate and its creditors.

WHEREFORE, the Trustee prays for entry of an appropriate order.

Respectfully submitted,

CLAYSON, SCHNEIDER & MILLER P.C.

Dated: May 17, 2019

/s/David P. Miller

David P. Miller (P79911)
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[proposed]
ORDER DEFERRING CASE FILING FEE

This Court having issued an Order requiring Debtors to appear and show cause why the case should not be dismissed for failure to pay the filing fee, Trustee having filed a response requesting deferment of the same, this Court having held a hearing whereby Debtors and attorney for Debtors failed to appear, and being otherwise duly advised;

IT IS HEREBY ORDERED that Debtors' requirement to pay their filing fee is temporarily deferred in order to allow the Chapter 7 Trustee to complete his investigation. If the Trustee files Report of No Distribution in the matter, Trustee shall notify the Court, and the Court may schedule a show cause hearing if the Debtors have not yet paid their filing fee. If the Trustee recovers sufficient assets for the benefit of the estate, and the Debtors have not yet paid their filing fee, the

Trustee shall pay it from the recovery.

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2019, I (or an employee of Clayson, Schneider & Miller, P.C.), served the following paper(s):

Trustee's Response to Court's Show Cause Order; Proposed Order; and Certificate of Service.

on the following parties located at these addresses:

United States Trustee 211 West Fort Street Suite 700 Detroit, MI 48226	William C. Babut 700 Towner Street Ypsilanti, MI 48198	Joseph and Melissa Gatza (via attorney)
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by filing the paper(s) with the Clerk of the Court using the Electronic Case Files system which will send electronic notification of such filing to the above referenced party(ies) or their attorney(s), as well as any additional parties that requested electronic service of documents filed in this case, or by depositing the

paper(s) for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the referenced party(ies) or their attorney(s)(unless the party will receive electronic notification as described above).

Respectfully submitted,

CLAYSON, SCHNEIDER & MILLER, P.C.

Dated: May 17, 2019

/s/ David P. Miller, attorney

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